

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARRELL L. MARSHALL,

Plaintiff,

Case No. 88-CV-72503

vs.

HON. GEORGE CARAM STEEH

CITY OF DETROIT, and
WAYNE COUNTY,

Defendants.

_____ /

ORDER DENYING PLAINTIFF'S MOTION TO VACATE JUDGMENT AND REINSTATE
CASE [DOC. 62] AND DENYING PLAINTIFF'S MOTIONS
FOR LEAVE TO SUPPLEMENT PLEADINGS [DOCS. 65, 66, 67]

Plaintiff, Darrell Marshall, brings the present motion to reinstate based on the argument that the court should consider new medical evidence. Plaintiff's lawsuit arose out of an incident which occurred in 1984, whereby plaintiff was allegedly assaulted by City of Detroit police officers and hospitalized at Detroit Receiving Hospital. While at the hospital, plaintiff was diagnosed as paranoid schizophrenic. Plaintiff accused defendants of using the diagnosis to cover-up head injuries he received in the beating by Detroit police. Plaintiff argues in his recent pleadings that new medical evidence shows he was not schizophrenic, rather his mental illness was attributable to two traumatic brain injuries, emotional trauma and his illiteracy.

Plaintiff's case was dismissed for lack of prosecution on May 31, 1989. Plaintiff filed an appeal and continued to file motions with the district court after his case was dismissed, but none were decided in plaintiff's favor.

Plaintiff then filed several other cases in the United States District Court for the Eastern District of Michigan, all relating to the same 1984 incident. One of those cases was before this court, Case. No. 00-74576. That case was dismissed as frivolous, the court finding that plaintiff failed to allege sufficient facts to make out a legally cognizable action over which the court would have jurisdiction. Recently, plaintiff brought a motion to vacate on the same basis as the one filed in this case - newly discovered medical evidence - which was denied on July 18, 2011.

This court finds that plaintiff has presented no basis for vacating its previous judgment and reinstating plaintiff's twenty-year old case. Plaintiff's motion to reinstate is hereby DENIED. Similarly, plaintiff's motions for leave to supplement the record are also denied. Any further motions for reinstatement of this civil action will be stricken as moot.

So ordered.

Dated: October 13, 2011

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record and to Darrell L. Marshall at 15420 Pierson St., Detroit, MI 48223
on
October 13, 2011, by electronic and/or ordinary mail.

S/Josephine Chaffee
Deputy Clerk